

Patent

Docket No. 34761/US/2

Express Mail No.: EV 423 773 993 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of

Confirmation No.: 1396

Inventors: Scott Nichol et al.

Group Art Unit: 3745

Appn. No.: 10/506,594

Examiner: Not Yet Assigned

Filed: September 3, 2004

For: SEALED IMPELLER FOR PRODUCING METAL FOAM  
AND SYSTEM AND METHOD THEREFOR

## CERTIFICATE OF MAILING BY EXPRESS MAIL

MAIL STOP PCT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

The undersigned hereby certifies that the following documents:

1. Response to Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pages);
2. Photocopy of the Notification of Missing Requirements Under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pages);
3. Declaration for Patent Application (executed) (3 pages);
4. Assertion of Entitlement to Small Entity Status Under 37 C.F.R. § 1.27(c)(1) And photocopy of the executed Assignment from Scott Nichol and Richard G. Manley to Cymat Corp. (3 pages);
5. Check for \$65.00 (Late Oath or Declaration Surcharge for a Small Entity, as amended);
6. Combined Power of Attorney by Assignee and Submission Under 37 C.F.R. §§ 3.71 and 3.73(b) and photocopy of the executed Assignment from Scott Nichol and Richard G. Manley to Cymat Corp. (4 pages);

relating to the above application, were deposited as "Express Mail" under 37 CFR § 1.10, Mailing Label No. EV 423 773 993 US, with the United States Postal Service addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 14, 2005.

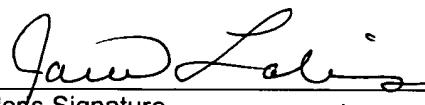
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Mailer's Signature

Print Name:


 Jane Lolis

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Docket No. 34761/US/2

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In re: Application of Confirmation No.: 1396  
Inventors: Scott Nichol et al. Group Art Unit: 3745  
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Mail Stop PCT  
Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 U.S.C. 371 IN THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)**

Sir:

Applicant submits the below-identified documents in response to the Notification of Missing Requirements mailed April 15, 2005, in connection with the above-referenced application:

1. Photocopy of the Notification of Missing Requirements Under 37 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (2 pages);
2. Declaration for Patent Application (executed) (3 pages);
3. Assertion of Entitlement to Small Entity Status Under 37 C.F.R. § 1.27(c)(1) and photocopy of the executed Assignment from Scott Nichol and Richard G. Manley to Cymat Corp. (3 pages);
4. Check for \$65.00 (Late Oath or Declaration Surcharge for a Small Entity, as amended);
5. Combined Power of Attorney by Assignee and Submission Under 37 C.F.R. §§ 3.71 and 3.73(b) and photocopy of the executed Assignment from Scott Nichol and Richard G. Manley to Cymat Corp. (4 pages);

Attorney Docket No. 34761/US/2  
Appln. No.: 10/506,594  
Page 2

In the event any additional fees are due, please charge Deposit Account No. 04-1415.

Dated: June 13, 2005

Respectfully submitted,

  
Gary M. Columbus, Reg. No. 25,364  
DORSEY & WHITNEY LLP  
370 Seventeenth Street, Suite 4700  
Denver, Colorado 80202-5647  
Tel.: (303) 629-3400  
Fax: (303) 629-3450

USPTO Customer No.: 20686

cc: IP Docketing-DV



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/506,594	Scott Nichol	34761/US/2

20686 DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647	INTERNATIONAL APPLICATION NO. PCT/CA03/00292
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I.A. FILING DATE	PRIORITY DATE
03/03/2003	

CONFIRMATION NO. 1396  
 371 FORMALITIES LETTER



\*OC000000015695935\*

Date Mailed: 04/15/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/03/2004
- Copy of the International Search Report filed on 09/03/2004
- Information Disclosure Statements filed on 09/03/2004
- Oath or Declaration filed on 09/03/2004
- U.S. Basic National Fees filed on 09/03/2004
- Assignment filed on 09/03/2004
- Priority Documents filed on 09/03/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

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Telephone: (703) 308-9140 EXT 210

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/506,594	PCT/CA03/00292	34761/US/2

FORM PCT/DO/EO/905 (371 Formalities Notice)

10/506594

Attorney Docket No. 34761/US/2  
Express Mail Label No. EV 423 773 993 US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	Confirmation No.: 1396
Scott Nichol et al.	Group Art Unit: 3745
Appln. No.: 10/506,594	Examiner: Not Yet Assigned
Filed: September 3, 2004	
For: SEALED IMPELLER FOR PRODUCING METAL FOAM AND SYSTEM AND METHOD THEREFOR	

**ASSERTION OF ENTITLEMENT TO SMALL ENTITY STATUS  
UNDER 37 C.F.R § 1.27(c)(1)**

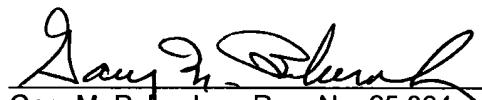
Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Cymat Corp., ("Assignee") of the above-referenced application hereby asserts that it is entitled to small entity status and hereby request the records of the United States Patent and Trademark Office be amended to reflect its entitlement to small entity status. A copy of the Assignment from the inventors of the patent application to Assignee is attached.

Dated: June 13, 2005

Respectfully submitted,

  
Gary M. Potumbus, Reg. No. 25,364  
DORSEY & WHITNEY LLP  
370 Seventeenth Street, Suite 4700  
Denver, Colorado 80202-5647  
Tel.: (303) 629-3400  
Fax: (303) 629-3450

USPTO Customer No. 20686

Assignment - World - invention

## ASSIGNMENT

WHEREAS,

**NICHOL, Scott and MANLEY, Richard G.**

hereinafter referred to as Assignor, whose full post office addresses re,

**2 Elma Street, Etobicoke, Ontario, M8V 1X8, Canada and**

**5 Golden Gate Drive, Brampton, Ontario, L6S 2K5, Canada**

has made an invention relating to and entitled:

### **SEALED IMPELLER FOR PRODUCING FOAM AND SYSTEM AND METHOD THEREFOR**

hereinafter referred to as The Invention, as fully set forth and described in the following Application(s) for Letters Patent:

<u>Country</u>	<u>Serial Number</u>	<u>Filing Date</u>
U.S.A.	60/361,281	March 4, 2002

hereinafter referred to as The Application(s);

AND WHEREAS,

**CYMAT CORP.**

hereinafter referred to as Assignee, whose full post office address is

**6320-2 Danville Road, Mississauga, Ontario, L5T 2L7, Canada**

desires to acquire Assignor's entire right, title and interest in and to The Invention;

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor does hereby sell, assign, transfer and set over to Assignee, its successors, assigns, or legal representatives, its entire right, title and interest for Canada, the United States and all other countries throughout the World in and to The Invention, together with its entire right, title and interest in and to The Applications and any and all Letters Patent that may issue for The Invention, including any and all divisions, reissues, continuations and extensions, to the full end of the term for which each said Letters Patent may be granted, and including the right to claim priority, based on The Application(s), under the terms of any international Convention, the same to be held and enjoyed as fully and completely as the same would have been held and enjoyed by Assignor had this Assignment not been made;

AND ASSIGNOR, on behalf of itself and its executors and administrators, does hereby covenant and agree to do all such lawful acts and things and to execute without further consideration such further lawful assignments, documents, assurances, applications and other instruments as may reasonably be

required by said Assignee, its successors, assigns, or legal representatives, to obtain any and all Letters Patent for The Invention and vest the same in said Assignee, its successors, assigns, or legal representatives.

AND ASSIGNOR, on behalf of itself and its executors and administrators, does hereby authorize said Assignee, its successors, assigns, or legal representatives, including its Patent Agents, Orange & Chari, to amend the present assignment to insert any missing filing date, serial number or other identifying information of the Application when such information becomes available.

DATED this 28<sup>th</sup> day of November, 2002.

Witnessed By:

Signature: J. A. Ruby  
Name: J. A. Ruby

By: Scott Nichol  
Name: Scott Nichol

Witnessed By:

Signature: J. A. Ruby  
Name: J. A. Ruby

By: Richard G. Manley  
Name: Richard G. Manley